

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES - Commercial Taxes Department - Departmental proceedings against Sri O. Veerakesavulu, Commercial Tax Officer, Mangalagiri (Retd.) in issuing registration certificates to Dealers violating the procedure - Article of charges issued - Written statement of defence - Considered - Further action dropped - Orders - Issued.

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REVENUE (VIGILANCE-I) DEPARTMENT

G.O.Rt.No. 52

Dated:08-01-2013.

Read the following:-

1. From the Commissioner, C.T, AP, Hyderabad, Letter No.VI/877/2009, dated 19.1.2010.
2. G.O.Ms.No.269, Revenue (Vig. I) Dept DT: 6.4.2010.
3. G.O.Rt.No.521, Revenue (Vig. I) Dept. Dt:6.4.2010.
4. From Sri O Veerakesavulu, C.T.O (Retd.) written statement of defence dt: 16.6.2010.

ORDER:

In the reference 3rd read above, Government have framed charges against Sri O. Veerakesavulu, Commercial Tax Officer (Retired) for committing certain irregularities in issuing Registration Certificates to M/s. Srinivasa Traders, Chinakakani and M/s. Navayuga Traders, Mangalagiri without conducting of pre-registration check / advisory visit and also for issuing way bills to the above Dealers without proper verification, causing loss to Government, while he was working as Commercial Tax Officer, Mangalagiri, Guntur District. He was directed to submit his written statement of defence for taking further action in the matter.

2. In the reference 4th read above, Sri O. Veerakesavulu, former Commercial Tax Officer, Mangalagiri (Now Retd.) has submitted his written statement of defence stating that the Assistant Commercial Tax Officer i.e., processing authority has conducted pre-registration visit and after thorough enquiry and verification of the documents only, he has issued registration certificates to the above dealers. The above Dealers also filed monthly returns, paid VAT regularly and as such he has issued way bills to the Dealers in good faith. He has also stated that the Commercial Tax Officer, Nandyal, Kunrool District furnished a reference dt: 19.12.2007 stating that one dealer by name and style M/s. Sri Venkateswara Oil Traders, Banaganapalli, bearing TIN No.28594493732 had claimed input tax (ITC) on the purchase value of vegetable oils from M/s. Srinivasa Traders, Chinakakani who is not actually dealing with vegetable oils. Immediately, he filed a cheating case with Station House Officer, Mangalagiri vide FIR No. 274, Dt: 22.12.2007 duly bringing the matter to the notice of all higher officers and with the assistance of Police, he recovered total 95 unused way bills from both the Dealers. He has finally stated that he was not involved in the misuse of way bills and requested the Government to drop further action against him.

P.T.O.,

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3. Government have examined the matter and observe that the charged officer has followed the prescribed procedure laid down in the relevant rules and instructions and there was no transgression of rules and instructions. With regard to issue of way bills it is observed that the Charged Officer followed the prescribed procedure and prerequisites such as filing VAT returns and payment of VAT and furnishing of utilisation statement of way bills used for the preceding months. Unless a dealer defaults in filing of VAT returns and tax due thereon and fails to furnish the details of used way bills for the previous month/ period, the Commercial Tax Officer cannot reject the requisition of the dealer for issue of way bills. Therefore, the Commercial Tax Officer has followed the pre-conditions which ought to have been followed by a Prudent Officer. Moreover, the Commercial Tax Officer also filed a complaint in the Mangalagiri Town Police Station and hence there was no connivance with the Dealer. Keeping in view the above, Government have found that the written statement of defence submitted by Sri O. Veerakesavulu, Commercial Tax Officer, Mangalagiri (now Retd.) is convincing and decided to drop further action against him.

4. Accordingly, Government hereby drop further action against Sri O. Veerakesavulu, Commercial Tax Officer (Retd.) and former Commercial Tax Officer, Mangalagiri, in the case.

5. The Commissioner, Commercial Taxes, AP, Hyderabad shall take further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT**

To
Sri O. Veerakesavulu, Commercial Tax Officer, Mangalagiri (now Retd.)
through the Commissioner, Commercial Taxes, AP, Hyderabad.
The Commissioner, Commercial Taxes, AP, Hyderabad.
Copy to:
The Revenue (CT- I) Department.
The PS to Principal Secretary to Govt., Revenue Department.
SF.

//Forwarded :: By Order //

SECTION OFFICER.